

AMENDED IN SENATE AUGUST 12, 2002

AMENDED IN SENATE JUNE 20, 2002

AMENDED IN ASSEMBLY MAY 29, 2002

AMENDED IN ASSEMBLY MAY 24, 2002

AMENDED IN ASSEMBLY MAY 1, 2002

AMENDED IN ASSEMBLY MARCH 21, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1781**

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**Introduced by Assembly Member Hertzberg**

**(Coauthors: Assembly Members Alquist, Aroner, Diaz, Havice, Horton, Longville, Matthews, Nakano, Robert Pacheco, Rod Pacheco, Pavley, Salinas, Strom-Martin, Thomson, Vargas, Washington, and Wiggins)**

**(Coauthors: Senators Karnette and Kuehl)**

January 10, 2002

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An act to amend Sections 60240, 60242, 60242.5, and 60248 of, to amend and repeal Sections 60246, 60247, and 60252 of, to add Sections 60246.5 and 60247.5 to, to add and repeal Chapter 3.25 (commencing with Section 60420) of Part 33 of, and to repeal Sections 18200 and 18201 of, the Education Code, relating to instructional materials.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1781, as amended, Hertzberg. Instructional materials: funding.

(1) Existing law establishes the California Classroom Library Materials Act of 1999 to provide state funding for classroom library

materials and establish the Business Organizations and Opportunities for Kids Fund for the donation of moneys by private entities for classroom reading materials.

This bill would repeal certain provisions in the California Classroom Library Materials Act of 1999 regarding state funding.

(2) Existing law provides for the State Instructional Materials Fund as a means of annually funding the acquisition of instructional materials. Existing law requires the State Board of Education to encumber the fund for the purpose of establishing an allowance for ~~each school district~~ *the governing board of each school district*, which may reflect increases or decreases in average daily attendance, that the district board may use for instructional materials, tests, textbooks, and in-service training.

This bill would additionally authorize a school district to use the funding to purchase library materials and classroom library materials on the condition that the school district develop a districtwide classroom library plan, as specified. The bill would authorize the allowances to reflect increases or decreases in enrollment instead of average daily attendance.

(3) Existing law requires the Controller, during each fiscal year, to transfer from the General Fund to the State Instructional Materials Fund, a specified amount per pupil average daily attendance in the public elementary schools during the preceding fiscal year, as provided, and requires the superintendent to annually apportion to each school district \$14.41 per pupil enrolled in grades 9 to 12, inclusive, in the school district in the prior fiscal year for the purpose of purchasing instructional materials.

This bill would make those funding provisions inoperative on January 1, 2003, and would provide for their repeal on January 1, 2007.

(4) Existing law provides for the Pupil Textbook and Instructional Materials Incentive Account in the State Instructional Materials Fund to ensure availability of textbooks and instructional materials.

This bill would make those provisions relating to the account inoperative on January 1, 2003, and would provide for their repeal on January 1, 2007.

(5) This bill would establish the Instructional Materials Funding Realignment Program to provide funding for instructional materials to school districts on the basis of an equal amount per pupil enrolled in public elementary and high schools, as specified.



This bill would authorize the State Board of Education to permit a school district to use any state instructional materials allowances to purchase standards-aligned materials ~~if the school district governing board makes a showing that the state adopted materials do not promote the maximum efficiency of pupil learning in the district, as specified.~~

This bill would require a local governing board to ~~first~~ use funding received pursuant to the program to ensure that each pupil is provided with a standards-aligned textbook or basic instructional materials, as adopted by the state board or the local governing board, as specified. The bill would ~~require that~~ *permit* any funds received pursuant to the program that remain after providing each pupil with a standards-aligned textbook or basic instructional materials in core curriculum areas ~~must~~ *to* be used in a manner consistent with purposes of the State Instructional Materials Fund, if the local governing board has met certain eligibility requirements, as specified. *The bill would permit the State Board of Education to grant additional time to the school district to meet the purchasing requirements if the governing board of the school district meets specific criteria.* Under the bill, the program would become inoperative on June 30, 2007, and would be repealed as of January 1, 2008.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 18200 of the Education Code is
- 2 repealed.
- 3 SEC. 2. Section 18201 of the Education Code is repealed.
- 4 SEC. 3. Section 60240 of the Education Code is amended to
- 5 read:
- 6 60240. (a) The State Instructional Materials Fund is hereby
- 7 continued in existence in the State Treasury. The fund shall be a
- 8 means of annually funding the acquisition of instructional
- 9 materials as required by the Constitution of the State of California.
- 10 Notwithstanding Section 13340 of the Government Code, all
- 11 money in the fund is continuously appropriated to the State
- 12 Department of Education without regard to fiscal years for
- 13 carrying out the purposes of this part. It is the intent of the
- 14 Legislature that the fund shall provide for flexibility of
- 15 instructional materials, including classroom library materials.



1 (b) The State Department of Education shall administer the  
2 fund under policies established by the state board.

3 (c) (1) The state board shall encumber part of the fund to pay  
4 for accessible instructional materials pursuant to Sections 60312  
5 and 60313 to accommodate pupils who are visually impaired or  
6 have other disabilities and are unable to access the general  
7 curriculum.

8 (2) The state board may encumber funds, in an amount not to  
9 exceed two hundred thousand dollars (\$200,000), for replacement  
10 of instructional materials, obtained by a school district with its  
11 allowance that are lost or destroyed by reason of fire, theft, natural  
12 disaster, or vandalism.

13 (3) The state board may encumber funds for the costs of  
14 warehousing and transporting instructional materials it has  
15 acquired.

16 SEC. 4. Section 60242 of the Education Code is amended to  
17 read:

18 60242. (a) The state board shall encumber the fund for the  
19 purpose of establishing an allowance for each school district,  
20 which may reflect increases or decreases in enrollment, that the  
21 district may use for the following purposes:

22 (1) To purchase instructional materials adopted by the state  
23 board pursuant to Section 60200 for kindergarten and grades 1 to  
24 8, inclusive, or by the governing board pursuant to Section 60400  
25 for grades 9 to 12, inclusive.

26 (2) To purchase, at the district's discretion, instructional  
27 materials, including, but not limited to, supplementary  
28 instructional materials and technology-based materials, from any  
29 source.

30 (3) To purchase tests.

31 (4) To bind basic textbooks that are otherwise usable and are on  
32 the most recent list of basic instructional materials adopted by the  
33 state board and made available pursuant to Section 60200.

34 (5) To fund in-service training related to instructional  
35 materials.

36 (6) To purchase classroom library materials for kindergarten  
37 and grades 1 to 4, inclusive.

38 (b) The state board shall specify the percentage of a district's  
39 allowance that is authorized to be used for each of the purposes  
40 identified in subdivision (a).

1 (c) Allowances established for school districts pursuant to this  
2 section shall be apportioned in September of each fiscal year.

3 (d) (1) A school district that purchases classroom library  
4 materials, shall, as a condition of receiving funding under this  
5 article, develop a districtwide classroom library plan for  
6 kindergarten and grades 1 to 4, inclusive, and shall receive  
7 certification of the plan from the governing board of the school  
8 district. A school district shall include in the plan a means of  
9 preventing loss, damage, or destruction of the materials.

10 (2) In developing the plan required by paragraph (1), a school  
11 district is encouraged to consult with school library media teachers  
12 and primary grade teachers and to consider selections included in  
13 the list of recommended books established pursuant to Section  
14 19336. If a school library media teacher is not employed by the  
15 school district, the district is encouraged to consult with a school  
16 library media teacher employed by the local county office of  
17 education in developing the plan. A charter school may apply for  
18 funding on its own behalf or through its chartering entity.  
19 Notwithstanding Section 47610, a charter school applying on its  
20 own behalf is required to develop and certify approval of a  
21 classroom library plan.

22 (3) To the extent that a school district, county office of  
23 education, or charter school already has a plan meeting the criteria  
24 specified in paragraphs (1) and (2), no new plan is required to  
25 establish eligibility.

26 SEC. 5. Section 60242.5 of the Education Code is amended  
27 to read:

28 60242.5. Allowances received by districts pursuant to  
29 subdivisions (a) and (b) of Section 60242 shall be deposited into  
30 a separate account as specified by the Superintendent of Public  
31 Instruction. These allowances, including any interest generated by  
32 them, shall be used only for the purchase of instructional materials,  
33 tests, classroom library materials, or in-service training pursuant  
34 to subdivisions (a) and (b) of Section 60242. Interest posted to the  
35 account shall be based upon reasonable estimates of monthly  
36 balances in the account and the average rate of interest earned by  
37 other funds of the district.

38 All purchases of instructional materials made with funds from  
39 this account shall conform to law and the applicable rules and  
40 regulations adopted by the state board, and the district

1 superintendent shall provide written assurance of conformance to  
2 the Superintendent of Public Instruction. The Superintendent of  
3 Public Instruction may withhold the allowance established  
4 pursuant to Section 60242 for any district which has failed to file  
5 a written assurance for the prior fiscal year. The Superintendent of  
6 Public Instruction may restore the amount withheld once the  
7 district provides the written assurance.

8 The Controller, in cooperation with the State Department of  
9 Education, shall include procedures to review compliance with  
10 this section in its independent audit instructions.

11 SEC. 6. Section 60246 of the Education Code is amended to  
12 read:

13 60246. (a) The Controller shall, during each fiscal year,  
14 commencing with the 1983–84 fiscal year, transfer from the  
15 General Fund of the state to the State Instructional Materials Fund,  
16 an amount of twenty-one dollars and eighteen cents (\$21.18) per  
17 pupil in the average daily attendance in the public elementary  
18 schools during the preceding fiscal year, as certified by the  
19 Superintendent of Public Instruction, except that this amount shall  
20 be adjusted annually, through and including fiscal year 1987–88,  
21 in conformance with the Consumer Price Index, all items, of the  
22 Bureau of Labor Statistics of the United States Department of  
23 Labor, measured for the calendar year next preceding the fiscal  
24 year to which it applies. Commencing with the 1990–91 fiscal  
25 year, the amount shall be adjusted annually by an amount equal to  
26 the percentage change determined pursuant to subdivision (b) of  
27 Section 42238.1.

28 (b) The amount transferred pursuant to subdivision (a) includes  
29 the designated percentage of the cash entitlements to be used to pay  
30 for unadopted state materials, tests, and in-service training.

31 (c) This section shall become inoperative on January 1, 2003,  
32 and, as of January 1, 2007, is repealed, unless a later enacted  
33 statute, that becomes operative on or before January 1, 2007,  
34 deletes or extends the dates on which it becomes inoperative and  
35 is repealed.

36 SEC. 7. Section 60246.5 is added to the Education Code, to  
37 read:

38 60246.5. (a) The Controller shall, during each fiscal year,  
39 commencing with the 2002–03 fiscal year, transfer from the  
40 General Fund to the State Instructional Materials Fund for

1 instructional materials for kindergarten and grades 1 to 8,  
2 inclusive, the amount to be allocated pursuant to Section 60421.

3 (b) The amount transferred pursuant to subdivision (a) includes  
4 the designated percentage of the cash entitlements to be used to pay  
5 for unadopted state materials, tests, classroom library materials,  
6 and in-service training.

7 SEC. 8. Section 60247 of the Education Code is amended to  
8 read:

9 60247. (a) The Superintendent of Public Instruction shall  
10 annually apportion to each school district the sum of fourteen  
11 dollars and forty-one cents (\$14.41) per pupil enrolled in grades  
12 9 to 12, inclusive, in the school district in the prior fiscal year for  
13 the purpose of purchasing instructional materials for the pupils  
14 enrolled in those grades.

15 (b) This section shall become inoperative on January 1, 2003,  
16 and, as of January 1, 2007, is repealed, unless a later enacted  
17 statute, that becomes operative on or before January 1, 2007,  
18 deletes or extends the dates on which it becomes inoperative and  
19 is repealed.

20 SEC. 9. Section 60247.5 is added to the Education Code, to  
21 read:

22 60247.5. The Controller shall, during each fiscal year,  
23 commencing with the 2002–03 fiscal year, transfer from the  
24 General Fund to the State Instructional Materials Fund for  
25 instructional materials for grades 9 to 12, inclusive, the amount to  
26 be allocated pursuant to Section 60421.

27 SEC. 10. Section 60248 of the Education Code is amended to  
28 read:

29 60248. The governing board of a school district shall use the  
30 funds apportioned pursuant to Sections 60247 and 60247.5 solely  
31 for the purchase of instructional materials for pupils in grades 9 to  
32 12, inclusive. Textbooks purchased with these funds shall be  
33 adopted in accordance with Section 60400.

34 SEC. 11. Section 60252 of the Education Code is amended to  
35 read:

36 60252. (a) The Pupil Textbook and Instructional Materials  
37 Incentive Account is hereby created in the State Instructional  
38 Materials Fund, to be used for the Pupil Textbook and Instructional  
39 Materials Incentive Program set forth in Article 7 (commencing  
40 with Section 60117) of Chapter 1. All money in the account shall

1 be allocated by the Superintendent of Public Instruction to school  
2 districts maintaining any kindergarten or any of grades 1 to 12,  
3 inclusive, that satisfy each of the following criteria:

4 (1) A school district shall provide assurance to the  
5 Superintendent of Public Instruction that the district has complied  
6 with Section 60119.

7 (2) A school district shall ensure that the money will be used to  
8 carry out its compliance with Section 60119 and shall supplement  
9 any state and local money that is expended on textbooks or  
10 instructional materials, or both.

11 (b) The superintendent shall ensure that each school district has  
12 an opportunity for funding per pupil based upon the district's prior  
13 year base revenue limit in relation to the prior year statewide  
14 average base revenue limit for similar types and sizes of districts.  
15 Districts below the statewide average shall receive a greater  
16 percentage of state funds, and districts above the statewide average  
17 shall receive a smaller percentage of state funds, in an amount  
18 equal to the percentage that the district's base revenue limit varies  
19 from the statewide average. Any district with a base revenue limit  
20 that equals or exceeds 200 percent of the statewide average shall  
21 not be eligible for state funding under this section.

22 (c) This section shall become inoperative on January 1, 2003,  
23 and, as of January 1, 2007, is repealed, unless a later enacted statute  
24 that becomes operative on or before January 1, 2007, deletes or  
25 extends the dates on which it becomes inoperative and is repealed.

26 SEC. 12. Chapter 3.25 (commencing with Section 60420) is  
27 added to Part 33 of the Education Code, to read:

28  
29 CHAPTER 3.25. INSTRUCTIONAL MATERIALS FUNDING  
30 REALIGNMENT PROGRAM  
31

32 60420. The Instructional Materials Funding Realignment  
33 Program is hereby established and shall be administered by the  
34 Superintendent of Public Instruction.

35 60421. (a) The State Department of Education shall  
36 apportion funds appropriated for purposes of this chapter to school  
37 districts on the basis of an equal amount per pupil enrolled in  
38 kindergarten and grades 1 to 12, inclusive, in the prior year,  
39 excluding summer school, adult, and regional occupational center  
40 and regional occupational programs enrollment. Enrollment shall

1 be certified by the Superintendent of Public Instruction and based  
 2 on data as reported by the California Basic Education Data System  
 3 ~~count. A charter school in its first year of operation, shall System~~  
 4 ~~count. A school district or charter school in its first year of~~  
 5 ~~operation or of expanding grade levels at a school site shall be~~  
 6 eligible to receive funding pursuant to this chapter, based on  
 7 enrollment estimates provided to the State Department of  
 8 Education by the *school district or charter school*. As a condition  
 9 of receipt of funding, ~~a charter school in its first year of operation,~~  
 10 ~~shall provide funding, a school district or charter school in its first~~  
 11 ~~year of operation or of expanding grade levels at a school site shall~~  
 12 ~~provide~~ enrollment estimates, as approved by the *school district*  
 13 *governing board or charter school's charter-granting local*  
 14 ~~educational agency that granted its charter~~ and the county office  
 15 of education in which the *school district or charter school's*  
 16 charter-granting agency is located. These estimates and associated  
 17 funding shall be adjusted for *actual* enrollment as reported by the  
 18 *subsequent* California Basic Education Data System.

19 (b) For the purposes of this chapter, the term “school district”  
 20 means a school district, county office of education, or charter  
 21 school, and the term “local governing board” means the  
 22 governing board of a school district, county board of education, or  
 23 governing body of a charter school.

24 (c) Allowances established pursuant to this chapter shall be  
 25 apportioned to school districts in September of each fiscal year.

26 (d) Notwithstanding any other provision of law, pursuant to  
 27 subdivision (g) of Section 60200, the State Board of Education  
 28 may authorize a school district to use any state basic instructional  
 29 materials allowance to purchase standards-aligned materials as  
 30 specified within this part.

31 60422. (a) A local governing board shall ~~first~~ use funding  
 32 received pursuant to this chapter to ensure that each pupil is  
 33 provided with a standards-aligned textbook or basic instructional  
 34 materials, as adopted by the State Board of Education subsequent  
 35 to the adoption of content standards pursuant to Section 60605 for  
 36 kindergarten and grades 1 to 8, inclusive, or as adopted by the local  
 37 governing board pursuant to Sections 60400 and 60411, for grades  
 38 9 to 12, inclusive. *Pupils shall be provided with standards-aligned*  
 39 *textbooks or basic instructional materials by the beginning of the*

1 *first school term that commences no later than 24 months after*  
2 *those materials were adopted by the State Board of Education.*

3 ~~(b) Once each pupil has been provided with a standards-aligned~~  
4 ~~textbook or basic~~

5 *(b) Once a governing board certifies compliance with*  
6 *subdivision (a) with regard to standards-aligned instructional*  
7 *materials in the core curriculum areas of reading/language arts,*  
8 *mathematics, science, and history/social sciences, and if the*  
9 *governing board of a school district has met the eligibility*  
10 *requirements of Section 60119, the remaining funds shall may be*  
11 *used consistent with paragraphs (1) to (6), inclusive, of*  
12 *subdivision (a) of Section 60242 and pursuant to Section 60242.5.*

13 *(c) The State Board of Education may grant the school district*  
14 *additional time to meet the purchasing requirements of subdivision*  
15 *(a) if the governing board of the school district demonstrates that*  
16 *all of the following criteria apply to the district:*

17 *(1) The school district has implemented a well-designed,*  
18 *standards-aligned instructional materials program.*

19 *(2) The school district, at the time of its request for additional*  
20 *time pursuant to this subdivision, has sufficient textbooks or*  
21 *instructional materials for use by each pupil.*

22 *(3) The school district has adopted a plan for the purchase of*  
23 *standards-aligned instructional materials in accordance with*  
24 *subdivision (a) but that plan indicated an alternative date for*  
25 *compliance that is declared in the request for additional time.*

26 60424. This chapter shall be administered for purposes of  
27 funding as if it had been in effect at the beginning of the 2002–03  
28 fiscal year. This chapter shall become inoperative on July 1, 2007,  
29 and, as of January 1, 2008, is repealed, unless a later enacted  
30 statute, that becomes operative on or before January 1, 2008,  
31 deletes or extends the dates on which it becomes operative and is  
32 repealed.